

May-20-03

04:21pm

From-Norris McLaughlin & Marcus

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T-133

P.001/006

F-001

## FAX COVER SHEET

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OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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GROUP 1600

**TO**  
**ATTENTION :** EXAMINER ARUN CHAKRABARTI  
**FAX NUMBER :** 703 872 9306

**RE**  
**SERIAL NO. :** 08/983, 605  
**APPLICANT :** Marlon Roder, et al.,  
**FILED :** May 1, 1998  
**ART UNIT :** 1634  
**FOR :** MICROSATELLITE MARKERS FOR PLANTS OF THE  
SPECIES TRITICUM AESTIVUM AND GENUS TRITICEAE  
AND THE USE OF SAID MARKERS

### MESSAGE

May 20, 2003

Attached please find:

- Response to Requirement to Elect Species

Respectfully submitted,

  
Theodore Gottlieb, PhD

Registration Number 42,597

May-20-03 04:21pm From-Norris McLaughlin & Marcus

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T-133 P.002/006 F-001

Docket 101195-4  
Roder et al.,  
USPN 08/983,605

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted by facsimile to the Assistant Commissioner For Patents, Washington, D.C. 20231, on May 20, 2003.

  
Theodore Gottlieb

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO. : 08/983, 605  
APPLICANT : Marion RODER  
FILED : May 1, 1998  
EXAMINER : A. Chakrabarti  
ART UNIT : 1634  
FOR : MICROSATELLITE MARKERS FOR PLANTS OF  
THE SPECIES TRITICUM AESTIVUM AND GENUS  
TRITICEAE AND THE USE OF SAID MARKERS

Commissioner of Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

May 20, 2003

**RESPONSE TO REQUIREMENT TO ELECT SPECIES**

Sir:

This communication is in response to the office action of April 22, 2003.

Entry of the amendments and consideration of the remarks are respectfully requested.

Docket:101195-4  
Roder et al.,  
USPN 06/963,605

**IN THE CLAIMS**

Amend claim 18 as follows:

18. (Amended) The method of claim 14, further comprising one or more primer pairs, wherein said primer pairs have a first oligonucleotide of SEQ ID NO: x and a second oligonucleotide of SEQ ID NO: x + 1, and wherein x = 93, 129, 203, 277, 345, 361, 397, 425, 435, and/or 445.

**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

**ADDITIONAL FEES**

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

**REMARKS**

Claims 14, 17 and 18 are pending in the application.

Claim 18 has been subjected to an election of up to 10 primer pairs to be rejoined in dependent form. In accordance, claim 18 has been amended to recite the primer pairs having a particular first oligonucleotide of SEQ ID NO: x. The election is described in detail below.

This amendment does not introduce new matter.

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USSN 08/983,605

The undersigned gratefully acknowledges Examiner's telephone communication of April 21, 2003 wherein the claims were provisionally allowed, contingent upon the following election of primer pairs.

It is respectfully suggested that the claims are in condition of allowance.

**ELECTION OF PRIMER PAIRS**

The primer pairs in the claims are described as having a first oligonucleotide of SEQ ID NO: x and a second of SEQ ID NO: x + 1. Thus, in compliance with the election, claim 18 was amended to recite only oligo x, since the second primer follows according to the sequence listing, and the following table:

**ELECTED PRIMER PAIRS**

First Oligonucleotide, X, Of Seq Id No:	Second Oligonucleotide, X + 1, Of Seq Id No:
93	94
129	130
203	204
277	278
345	346
361	362
397	398
425	426
435	436
445	446

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**CONCLUSIONS**


Applicants gratefully acknowledge Examiner's provisional allowance of the claims that was stated in the telephone conversation of April 21, 2003. The provisional allowance was conditioned upon making the appropriate election of species to incorporate into claim 18.

Applicants have made such an election, and believe in good faith, that the claims are in condition for allowance.

Should there be any further issues to be resolved prior to issuing a Notice of Allowance, Examiner should feel free to contact the undersigned at any time.

Respectfully Submitted,

Norris, McLaughlin & Marcus  
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Theodore Gottlieb, PhD  
Reg. Nr. 42,597

Docket:101195-4  
Roder et al,  
USPN 08/983,605

**MARK UP OF AMENDED CLAIM 18**

18. (Amended) The method of claim 14, further comprising wherein one or more primer pairs, wherein said primer pairs have a first oligonucleotide of SEQ ID NO: x and a second oligonucleotide of SEQ ID NO: x + 1, and wherein x = 93, 129, 203, 277, 345, 361, 397, 425, 435, and/or 445, are selected from the group consisting of primers selected from SEQ ID NOS 1 to 466, wherein x is an odd integer from 1 to 465